

SEP 22 2016

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

THOMAS ANTHONY LITTEK,	)	Civil Action No. 7:16-cv-00072
Plaintiff,	)	
	)	
v.	)	<b><u>FINAL ORDER</u></b>
	)	
HAROLD CLARKE, <u>et al.</u> ,	)	By: Hon. Jackson L. Kiser
Defendants.	)	Senior United States District Judge

Thomas Anthony Littek, a Virginia inmate proceeding pro se, commenced an action pursuant to 42 U.S.C. § 1983 against a number of current and former staff of the Virginia Department of Corrections and Pocahontas Correctional Center. Plaintiff alleged that defendants' failures to provide him dental treatment and dentures violated the Eighth Amendment of the United States Constitution and Virginia law.

The matter was referred to United States Magistrate Judge Pamela M. Sargent in accordance with 28 U.S.C. § 636(b)(1)(B). On June 9, 2016, Judge Sargent issued a report and recommendation about defendants' motion for summary judgment. Judge Sargent recommends that I grant the motion for summary judgment and dismiss the state law claim of negligence without prejudice. See, e.g., 28 U.S.C. § 1367(c)(3). Judge Sargent concluded in pertinent part that defendants are nonmedical personnel who were not personally involved with a denial of dental treatment, did not deliberately interfere with a prison doctor's or dentist's treatment, and did not tacitly authorize or exhibit indifference to a prison doctor's or dentist's misconduct. Plaintiff filed objections to the report and recommendation.

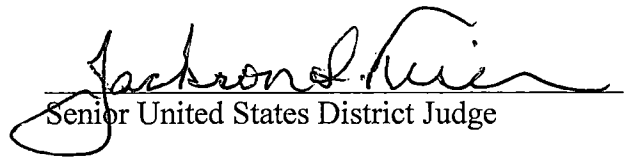
After reviewing Plaintiff's objections, the report and recommendation, and pertinent portions of the record de novo, I agree with Judge Sargent's recommendation. Accordingly,

Plaintiff's objections are **OVERRULED**, and the report and recommendation is **ADOPTED** in its entirety.

The Clerk shall send copies of this Order to the parties.

It is so **ORDERED**.

ENTER: This 22<sup>nd</sup> day of September, 2016.

  
Senior United States District Judge